IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 11713 of 2004

Between:

Badam V enkateswarlu S/o Narayana, Age: 53 Yrs.,

Foreman Gr. IV, O/o Chief Engineer, (R&M/RTS), Ramagundam, Karimnagar District.

..... PETITIONER

AND

1. The Chief Engineer, O&M, RTS, Ramagundam, Karimnagar District.
2. The General Manager, (HR), AP Power Generation Corporation Limited (APGENCO),Vidyut Soudha, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ more in the nature of Writ of *Mandamus* declaring the proceedings of the 1st respondent dated 19-11-2003 in his Memo No. CE/O&M/RTS/ADM/JAO/F.DC 20/D No. 349/2003 as being arbitrary, illegal and violative of Articles 14, 19 and 21 of the Constitution of India and set a side the same and further declare the action of the 2nd respondent in not passing orders in the appeal preferred by the petitioner under Section 18 of the APSEB Discipline & Appeals Regulation Act and issue consequential direction to the respondents to forthwith restore the petitioner to the post of Foreman-IV with all consequential benefits and issue such other writ or order or direction as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.Ch.Samson Babu

Counsel for Respondent No.1: Smt.K.Sesharajyam

Counsel for Respondent No.2: Mr.Kanakamedala Ravindra Kumar

The Court at the admission stage made the following Order:

This writ petition is filed by the petitioner expressing his grievance for the inaction of the second respondent-The General Manager, (HR) A.P. Power Generation Corporation Limited (APGENCO), Vidyut Soudha, Hyderabad in passing orders in the appeal preferred by him under Section 18 of the A.P.S.E.B. Discipline & Appeals Regulations Act.

The petitioner worked as a foreman. In pursuance of the orders dated 19-11-2003 in Memo No.CE/O&M/RTS/Adm/JAO/F.DC 20/D.No.349 of 2003 passed by the first respondent-The Chief Engineer, O&M, RTS, Ramagundam, Karimnagar District, in disciplinary proceedings, the petitioner was reverted from the post of foreman Gr.IV to the post of Turner, for a period of three years as a measure of punishment. The petitioner, being aggrieved by the order of the first respondent, preferred an appeal on 30-12-2003 before the second respondent. The grievance of the petitioner is that the second respondent is not disposing the said appeal for the last six months.

The petitioner is not entitled to question the order of the first respondent dated 19-11-2003 through this writ petition, during the pendency of the appeal before the second respondent. In view of the grievance of the petitioner that the delay is being caused by the second respondent in disposing of the appeal, the second respondent is

directed to dispose of the appeal filed by the petitioner within a period of two months from the date of receipt of a copy of this order, after considering the merits.

With the above observation, the writ petition disposed of at the stage of admission.

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19-07-2004

kdl

To

1. The Chief Engineer, O&M, RTS, Ramagundam, Karimnagar District.
2. The General Manager, (HR), AP Power Generation Corporation Limited (APGENCO),Vidyut Soudha, Hyderabad.

3. Two C.D. Copies.